

**MINUTES OF THE  
UTAH CONSTITUTIONAL REVISION COMMISSION**

Monday, February 2, 2004 – 12:00 noon – Governor's Board Room, 210 State Capitol

**Members Present:**

Mr. Kevin J. Worthen, Chair  
Judge Jon M. Memmott, Vice Chair  
Rep. Greg J. Curtis  
Rep. Scott Daniels  
Sen. Mike Dmitrich  
Chief Justice Christine Durham  
Sen. David L. Gladwell  
Mr. Kermit Hall  
Mr. Morris D. Linton  
Dr. Michael Petersen  
Mr. Robin Riggs  
Ms. Kristine Strachan  
Sen. John L. Valentine

**Members Absent:**

Mr. Michael E. Christensen  
Mr. Byron L. Harward  
Speaker Martin R. Stephens

**Staff Present:**

Mr. Jerry D. Howe, Policy Analyst  
Mr. Robert H. Rees, Associate General Counsel  
Ms. Cassandra N. Bauman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at [www.le.utah.gov](http://www.le.utah.gov) or by contacting the commission secretary at 538-1032. A recording of the meeting may also be available from the Office of Legislative Research and General Counsel.

**1. Commission Business**

Chair Worthen called the meeting to order at 12:11 p.m. Mr. Christensen was excused from the meeting.

**MOTION:** Mr. Linton moved to approve the minute of the November 14, 2003 meeting. The motion passed unanimously with Rep. Curtis, Chief Justice Durham, Mr. Riggs, and Sen. Valentine absent for the vote.

**2. Review of Constitutional Amendments Proposed for Consideration During the 2004 General Session of the Utah Legislature**

**HJR 12 "Resolution - Exception to Subscribing to Stock Prohibition" (G. Curtis)**

Chair Worthen explained the Commission's previous discussions and decisions related to taking equity interest in exchange for intellectual property rights.

Rep. Brent Goodfellow explained that there are opportunities to help small businesses using incubation services. Mr. Peter Generaux, Board of Trustees, Salt Lake Community College, distributed and explained "Proposed Substitute Language for Article VI, Section 29, Sub-section (2) of HJR 12." He recommended lines 34 through 38 be substituted for the distributed language.

Mr. Generaux and Mr. Hall explained their proposal which is based on the Oklahoma model and answered questions.

Dr. Lorris Betz, Acting President, and Mr. Robert Payne, University of Utah, distributed and reviewed "Article VI, Section 29 (Proposal A)."

**MOTION:** Mr. Hall moved to adopt the language distributed by the University of Utah. The motion passed with Sen. Valentine voting in opposition and Mr. Riggs absent for the vote.

**MOTION:** Mr. Hall moved to amend the legislation to include incubation centers to take equity in developmental property.

After commission discussion, Mr. Hall withdrew the motion.

**HJR 1 "Resolution Amending Dates of Annual Legislative Session" (S. Mascaro)**

This item was not discussed.

**HJR 8 "Resolution Authorizing the Legislature to Call Itself Into Session" (C. Bennion)**

Rep. Chad Bennion indicated that HJR 8 is on the second reading calendar in the Senate. He explained that the resolution requires a 2/3 vote in both houses to call itself into session and that such sessions would be limited to 15 days. Items on the call must be established 48 hours in advanced, he said, before responding to questions.

The Commission discussed possible separation of powers issues as well as instances when the ability of the Legislature to call itself into session could be beneficial to the state.

**MOTION:** Rep. Curtis moved to recommend HJR 8 to the Legislature. The motion passed with Sen. Dmitrich, Chief Justice Durham, Rep. Daniels, Ms. Strachan, and Mr. Worthen voting in opposition to the motion.

**SJR 6 "Resolution on Impeachment Authority" (J. Valentine)**

Sen. Valentine provided background on the issue as discussed in previous meetings of the Commission. He responded to questions.

**MOTION:** Mr. Linton moved to recommend SJR 6 to the Legislature. The motion passed unanimously.

**HJR 14 "Resolution Amending Recall of Elected Officials" (D. Hogue)**

Rep. David Hogue explained that this resolution would allow the legislature to pass statutes authorizing state elected officials to be removed from office by recall election. He indicated that statutory language will likely be introduced during the 2004 General Session. He responded to questions.

The Commission discussed concerns with the language, including the potential for judges, who are subject to impeachment, to be included in recall.

**MOTION:** Mr. Peterson moved that the Commission include recall elections in its studies for the 2004 Interim. The motion passed unanimously with Sen. Dmitrich, Sen. Gladwell, and Sen. Valentine absent for the vote.

**HJR 25 "Constitutional Amendment on Marriage" (L. Christensen)**

This item was not discussed.

**HJR 26 "Resolution Providing Property Tax Exemption" (J. Ferrin)**

Rep. James Ferrin explained that HJR 26 proposes to exempt property tax from property not owned, but used, controlled, and possessed by a school district or charter school. He clarified that the resolution would allow the Legislature to provide the exemption in statute and does not automatically exempt the property. He responded to questions.

The Commission discussed the potential for abuse of the property tax exemption and suggested language that would clarify the property would be used generally for educational purposes, but does not need to be used exclusively for that purpose.

**MOTION:** Rep. Daniels moved to recommend HJR 26 with suggested language to the Legislature. The motion passed with Sen. Valentine absent for the vote.

**3. Other Items / Adjourn**

Chair Worthen adjourned the meeting at 1:44 p.m.